

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
DELTA DIVISION**

**JERRY L. GATER**  
**Reg. #42525-044**

**PLAINTIFF**

**v.**

**CASE NO. 2:20-CV-00146-BSM**

**MICHAEL D. CARVAJAL, *et al.***

**DEFENDANTS**

**ORDER**

Having reviewed the entire record *de novo*, Magistrate Judge Joe J. Volpe's proposed findings and recommendations [Doc. No. 43] is adopted.

Defendants' motion to dismiss or, alternatively, motion for summary judgment [Doc. No. 39] is granted, and this case is dismissed with prejudice. This dismissal counts as a strike, and an *in forma pauperis* appeal would not be taken in good faith. *See* 28 U.S.C. §§ 1915 (a)(3), (g).

IT IS SO ORDERED this 8th day of March, 2021.

  
UNITED STATES DISTRICT JUDGE